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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,867	04/06/2006	Stefan Hein	APP10 P-307	5083

7590 04/01/2010
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EXAMINER

BASKIN, JEREMY S

ART UNIT	PAPER NUMBER
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3753

MAIL DATE	DELIVERY MODE
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04/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Advisory Action
After the Filing of an Appeal Brief***

Application No.

10/574,867

Applicant(s)

HEIN, STEFAN

Examiner

Jeremy S. Baskin

Art Unit

3753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 03 December 2009 and 04 January 2010 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____

/Robin O. Evans/
Supervisory Patent Examiner, Art Unit 3753

/Jeremy S. Baskin/
Examiner, Art Unit 3753

For the purposes of appeal, the status of the claims is as follows:
Claims 14-20 and 22-42 are rejected.

In regard to Applicant's arguments filed 04 January 2010, Applicant asserts that the combination of Dupuis (3,351,348) in view of Yamazaki et al. (4,808,444) does not obviate the features of Claim 14 by not including at least one movable sealing body and arcuate sealing surface since the addition of an arcuate sealing surface in Dupuis would require a roller in front of the opening 11 (see REMARKS, page 10, para. 2). This is not found persuasive because Yamazaki teaches where it is known to mate a circular roller to an arcuate surface when handling a flexible band substrate. Since a circular roller is also in Dupuis, one of ordinary skill in the art would recognize that an arcuate sealing surface would also mate with the circular roller of Dupuis with a reasonable expectation of success. Applicant asserts that an arcuate sealing surface in Dupuis would lead to excessive wear on that web and contaminations through abrasion of particles. This is mere speculation since it is unknown what type of substrate is being treated and the material chosen for the arcuate sealing surface. It is not necessary for Yamazaki to show different regions of atmospheric pressures since that is a limitation taught by the primary reference of Dupuis. Applicant asserts that no sealing is provided between the roller and suction chamber of Yamazaki (see REMARKS, page 10, para. 2). This is not persuasive because the suction chamber evacuates a space between the roller and arcuate surface of the suction chamber. Applicant asserts that Dupuis does not teach a power drive and accumulator. Since details of a "power drive mechanism" and "accumulator" are neither claimed or provided in the drawings, the Examiner relies on the broadest reasonable interpretation of these limitations. Dupuis teaches where the roller is held in place by the accumulation of pressure within the chamber thereby making the roller analogous to a piston or plate of a known accumulator. Yamazaki teaches where the roller moves into and out of engagement with the suction chamber via a power drive as per the alternative rejection in the final Office action of 03 September 2009.